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C O N F I D E N T I A L KATHMANDU 002089

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SUBJECT: NEPAL ARMY TORTURES NEPAL POLICE OFFICERS

REF: KATHMANDU 1376

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

¶1. (C) On July 29, dozens of soldiers from the Nepal Army's Bhairabnath Battalion in Kathmandu surrounded a local police station, abducted three police officers by force, and then allegedly beat and tortured the police officers in the battalion's barracks. The Bhairabnath Battalion is the same unit that was accused by the United Nations Office of the High Commissioner for Human Rights (OHCHR) in May of having in 2003 committed gross human rights violations (reftel). Police and Army contacts indicated that the incident would probably not affect future cooperation between the two security agencies. Civil society and political leaders said that the incident was illustrative of the changes needed in the Nepal Army to make it more democratic and bring it clearly under civilian leadership. End Summary.

Nepal Army Officers Attack Nepal Police Officers

¶2. (SBU) Media reported and Nepal Police contacts confirmed that on July 29, approximately 30 soldiers from the Bhairabnath Battalion in Kathmandu took three Nepal Police officers by force after the police asked Army Captain Robindra Bikram Rana and his friend to move their car from the street. (Note: The Bhairabnath Battalion is the same unit accused of gross human rights abuses by OHCHR in May. End note.) The soldiers then took the police officers back to the Bhairabnath barracks, where they allegedly beat and tortured them, holding their heads underwater and subjecting them to electric shocks. The soldiers released the police officers a few hours later, and they were treated at the Police Hospital. The Ministry of Defense created a committee while the government appointed an inter-ministerial committee at the joint security level to look into the incident; a court martial has taken eleven of the Nepal Army soldiers into custody.

Probably Will Not Affect Police-Military Relations

¶3. (C) Deputy Inspector General of Police Rabi Shrestha told us that such incidents have also happened in the past, but

have always been "taken care of at the senior levels." Shrestha claimed that this incident would not affect future cooperation between the Nepal Police and the Nepal Army, but that the Nepal Army needed to create a concrete plan to control such behavior from their personnel in the future. A mid-level Nepal Army contact close to the Embassy shared his personal opinion that Captain Rana was a "real knucklehead," and was not surprised by what happened. The general consensus among Army and Police contacts was that this sort of behavior was not new in Nepal, and would probably happen again in the future. Our contacts assert that such incidents had always been solved before internally without causing too much of a rift in inter-agency cooperation. That said, the contempt between the army and police over the past few years has been palpable and presumably has been fed by incidents such as this.

Civil Society And Politicos Say Army Must Change

14. (C) Subodh Pyakurel, President of the Informal Sector Service Center (INSEC), opined that such incidents had been occurring in Nepal for a long time, but only now, under a democratic government, were the Nepal Police courageous enough to speak out against abuses by the Nepal Army. Pyakurel saw this incident as a blessing in disguise because it could help speed up the process of amending the Army Act and bringing the Nepal Army under civilian control. Chakra Prasad Koirala, Central Committee Member of the Nepali Congress (NC), stated that the incident reflected the "stubbornness of the Nepal Army." Koirala went on to say that the Maoists and other "elements" were trying to create anarchy in the name of such incidents by fueling what he coined "the already existing anti-army attitude held by most in Nepali society." Jhalanath Khanal, Central Committee Member of the CPN-UML told us that the incident was proof that the Nepal Army needed democratization, and that the government needed to "weed out" undemocratic elements like Rana.

Comment

15. (C) We expect that members of the Nepal Army are as appalled as we were by the July 29 incident at the now notorious Bhairabnath barracks, but it does underscore the need for our continued cooperation with the Nepal Army to help them become a more professional and responsible force. The Maoists will likely cite the case as further proof of the necessity to decommission Nepal Army weapons as well as their own. We hope PM Koirala's government draws a different lesson. Army Chief of Staff General Pyar Jung Thapa recently refused a request to appear before the high-level Rayamajhi Commission. (Note: The Rayamajhi Commission has a mandate to investigate alleged abuses of the former royal government during the April pro-democracy movement. End note.) He has also failed to express remorse about the latest incident at Bhairabnath. It is time for civilians to exercise control over the Army. Firing Thapa, who will retire in any event at the end of August, would be a step in that direction.

MORIARTY